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ORIGINAL: ARABIC

LETTER DATED 13 FEBRUARY 1993 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO
THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I should like to transmit herewith a letter dated 12 February 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning decision No. 16 of the Governing Council of the United Nations Compensation Commission (S/AC.26/1992/16).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council and also brought to the attention of the representatives of the States members of the Security Council.

(Signed) Adnan MALIK
Chargé d'affaires a.i.

Annex

Letter dated 12 February 1993 from the Minister for
Foreign Affairs of Iraq addressed to the President
of the Security Council

I have the honour to set forth Iraq's position on an important and serious question relating to decision No. 16 (S/AC.26/1992/16) taken by the Governing Council of the United Nations Compensation Commission at its eighth session, held at Geneva from 14 to 18 December 1992, and relating to the imposition of interest on compensation.

I wish, first of all, to cite the text of paragraph 16 of Security Council resolution 687 (1991), which defines the liability of Iraq for the payment of compensation as follows:

"Iraq ... is liable under international law for any direct loss, damage, including environmental damage ..."

This provision means that Iraq's liability for the payment of compensation is a liability limited by the explicit text of the above-mentioned paragraph and by the legal definition of Iraq's liability for compensation set forth therein.

Article 31 of decision No. 10 (S/AC.26/1992/10) taken by the Governing Council of the United Nations Compensation Commission on 26 June 1992 affirms that fact when it states that Commissioners shall take into account paragraph 16 of Security Council resolution 687 (1991) when considering claims for compensation, as is clear from the text below, inasmuch as the text states:

"In considering the claims, Commissioners will apply Security Council resolution 687 (1991) and other relevant Security Council resolutions ..."

Security Council resolution 687 (1991) and 692 (1991) and the report of the Secretary-General of the United Nations contained in document S/22559 and dated 2 May 1991 are quite explicit in defining Iraq's liability for compensation determined within the framework of a specific proportion to be deducted from Iraq's petroleum revenues under the relevant Security Council resolutions, a proportion not to be exceeded in any circumstances according to the relevant resolution. In addition, the limited character of the compensation is also narrowed down as relating to direct damage only. This means that the resolution rules out all other kinds of damage that fall within the category of indirect damage, including interest, which does not, in any event, constitute direct damage.

The duties and functions of the United Nations Compensation Commission were again clearly and carefully described in the report of the Secretary-General of the United Nations and stated in paragraph 20 thereof, which reads as follows:

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"The Commission is not a court or an arbitrary tribunal before which the parties appear; it is a political organ that performs an essentially fact-finding function of examining claims, verifying their validity, evaluating losses, assessing payments and resolving disputed claims ..."

This means that the functions of the United Nations Compensation Commission through its "principal organ", namely, the Governing Council, are defined as follows:

1. Fact-finding in the examination of claims;
2. Verification of the validity of claims;
3. Evaluation of losses (as stipulated in the Security Council resolution, i.e., direct losses);
4. Assessment of payments;
5. Resolution of disputed claims;
6. Determination of the level of contribution to the Fund.

Consequently, the Governing Council is restricted to these functions, which are defined in Security Council resolution 692 (1991), which endorses the report of the Secretary-General of the United Nations under consideration.

This means that the Governing Council of the Compensation Fund, as an executive organ having its functions defined as above, has no right or power to add any new financial liability to those imposed on Iraq so that that liability exceeds direct damage or loss.

The omission of any mention of the question of interest in Security Council resolution 687 (1991) was deliberate, and the legal liability of Iraq was defined in a way that rules out any grounds for broadening its interpretation so as to give rise to additional liability for Iraq that is not specified in Security Council resolutions. The Security Council, through the numerous resolutions that it adopted on the Gulf crisis, made no reference to the question of interest, in spite of its importance and the very great sums entailed. This is confirmed by the Secretary-General of the United Nations reference in paragraph 28 of his above-mentioned report:

"It is to be anticipated that the value of claims approved by the Commission will at any given time far exceed the resources of the Fund. It will, therefore, be incumbent upon the Commission to decide on an allocation of funds and a procedure for the payment of claims. It is recommended that the Governing Council establish criteria for the allocation of funds, taking into account the size of claims, the scope of the losses sustained by the country concerned and any other relevant factors. In this connection, it might be necessary to distinguish between Kuwait, on the one hand, and other countries on the other hand. As far as the payment of claims is concerned, it follows from the

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consolidation of the claims and their filing by individual Governments that payments would be made exclusively to Governments. Individual Governments will be responsible for the appropriate distribution to individual claimants. The Governing Council should establish further guidelines regarding the payment of claims, for example, whether claims should be paid in full or whether percentages should be paid. In the latter case, the unsatisfied portions of the claims will remain as outstanding obligations."

It is apparent from this paragraph that, whatever the financial input into the Fund, it will not be sufficient for all the compensation in view of the overwhelming number of claims and that the rules of justice and fairness dictate following a regime of limited compensation to meet most, if not all, of the claims. The conclusion arrived at by the Secretary-General of the United Nations to the effect that the unsatisfied portions of the claims should remain as outstanding obligations was approved by Security Council resolution 692 (1991). This conclusion settles the question of interest by ruling it out, and, consequently, any course that conflicts with the provisions of the pertinent Security Council resolutions and reports constitutes a violation of these provisions.

We should also like to point out that the Security Council, when referring in paragraph 19 of resolution 687 (1991) to determination of the appropriate level of Iraq's contribution to the Fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq, requested the Secretary-General of the United Nations to suggest a figure "taking into account the requirements of the people of Iraq, Iraq's payment capacity ... taking into consideration external debt service, and the needs of the Iraqi economy ...".

In paragraph 13 of his report, the Secretary-General of the United Nations requested the Governing Council of the Fund, when carrying out the task of determining the appropriate level of Iraq's contribution to the Fund in accordance with the criteria laid down in paragraph 19 of Security Council resolution 687 (1991) to "consider the probable levels of future oil export revenues of Iraq ... and the needs for reconstruction and development in the country". It thus emerges from the above provisions that the principle that must be followed in such a case is a regime of limited compensation such as has been adopted by the international community in numerous international agreements and treaties. For example, the treaty concluded on 28 November 1950 between Italy and France set the compensation to be paid by Italy to France at a fixed amount of 357 million francs, while the actual damage had been estimated in 1948 at 400 billion francs. We may also mention the peace treaties concluded between Japan, on the one hand, and, on the other hand, Burma in 1954, the Philippines in 1956, Indonesia in 1958 and Viet Nam in 1959, which specified fixed amounts with a ceiling to cover compensation for damage that had occurred. Contemporary instances of the adoption of a limited compensation regime include the 1952 Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, as well as the amended Warsaw Convention of 1929 and many other such agreements. None of them

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contain a provision for interest. Of course, the State on which payment of compensation was imposed under the above-mentioned treaties were parties to the negotiations that led up to them. Iraq has been deprived of this right.

There is also another set of considerations that point quite clearly to the necessity of not imposing the requirement of interest on compensation, including the following:

1. The amount of compensation is a lump sum, and interest or other charges cannot be imposed on it.
2. The damage is not quantitatively determined. This means that the compensation is removed from the sphere of interest claims.
3. The condition of payment of an amount of compensation that is not yet due also rules out the computation of interest on such compensation, because interest can be computed only on a monetary debt on which payment is due and whose amount is known, as we have explained.
4. The timing of the payment of compensation is by schedules to be prepared by the Commission. Consequently, it cannot be said that there are arrears of payment that necessitate the imposition of interest on such arrears, because interest is not imposed unless there is a delay occasioned by the debtor, whereas Iraq has not occasioned any delay in the payment of the compensation. The delay was caused by the payment schedule.
5. One of the definite rules of international law is that interest cannot be imposed on compensation, because interest is itself compensation, and there cannot be compensation assessed on compensation.
6. The imposition of interest on the amount of compensation would increase it to a point beyond reason, which is incompatible with the norms of justice and fairness and would lead to arbitrariness and prejudice to the needs of the people of Iraq and its right to life and development. That would be in conflict with Security Council resolutions and the considerations set forth in paragraph 19 of resolution 687 (1991), which states that Iraq's payment capacity must be taken into consideration in the determination of the proportion of Iraq's contribution to the financing of the Fund.
7. Inasmuch as the amounts of compensation were not determined as a result of negotiation or as a result of a ruling of a court or arbitral tribunal but determined by the Compensation Commission, which is a "political organ", the decision to impose interest on the amount of compensation is a matter that lies outside the mandate of the Commission.

It is clear from the above and from a reference to paragraphs 16 and 17 of Security Council resolution 687 (1991) and the report of the Secretary-General of the United Nations approved by Security Council resolution 692 (1991) that the condition of interest is not mentioned and that there is no intention to impose it on the compensation. If there had been any

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such intention or any probability thereof, we should have found some reference, however rudimentary, to this in the Security Council resolutions adopted on the matter. The adoption by the Governing Council of the Compensation Fund of a decision to impose interest on compensation is a measure that conflicts with the provisions of the Security Council resolution and, at the same time, with legal principles and the trend followed in the peace treaties following the Second World War. It also conflicts fundamentally with the principles of justice and fairness. On this basis, the Government of the Republic of Iraq calls upon the Security Council to take the necessary steps to abrogate this decision and reaffirm compliance with the Council resolutions adopted in this matter, without any overextension in the area of compensation provisions such as would render implementation impossible and beyond the scope of the resolutions adopted on the subject.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of
the Republic of Iraq



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FRENCH

Draft resolution

The Security Council,

Reaffirming its resolution 743 (1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Having considered the report of the Secretary-General dated 10 February 1993 (S/25264 and Corr.1),

Deeply concerned by the lack of cooperation of the parties and others concerned in implementing the United Nations peace-keeping plan in Croatia (S/23280, Annex III),

Deeply concerned also by the recent and repeated violations by the parties and others concerned of their cease-fire obligations,

Determining that the situation thus created constitutes a threat to peace and security in the region,

Taking note in that context of the Secretary-General's request to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, mentioned in his report (S/25264 and Corr.1), to establish as soon as possible, through discussions with the parties, a basis on which UNPROFOR's mandate could be renewed,

Determined to ensure the security of UNPROFOR and to this end, acting under Chapter VII of the Charter of the United Nations,

1. Demands that the parties and others concerned comply fully with the United Nations peace-keeping plan in Croatia and with the other commitments they have undertaken and in particular with their cease-fire obligations;

2. Demands further that the parties and others concerned refrain from positioning their forces in the proximity of UNPROFOR's units in the United Nations Protected Areas (UNPAs) and in the pink zones;

3. Demands also the full and strict observance of all relevant Security Council resolutions relating to the mandate and operations of UNPROFOR in the Republic of Bosnia and Herzegovina;

4. Demands also that the parties and others concerned respect fully UNPROFOR's unimpeded freedom of movement enabling it inter alia to carry out all necessary concentrations and deployments, all movements of equipment and weapons and all humanitarian and logistical activities;

5. Decides, in the context of these demands, to extend UNPROFOR's mandate for an interim period terminating on 31 March 1993;

6. Urges the parties and others concerned fully to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in the discussions under their auspices in order to ensure full implementation of the United Nations peace-keeping mandate in Croatia, including inter alia through the collection and supervision of heavy weapons by UNPROFOR and the appropriate withdrawal of forces;

7. Invites the Secretary-General to work to achieve the rapid implementation of the United Nations peace-keeping mandate and of relevant Security Council resolutions, including resolution 802 (1993), thus to ensure security and stability throughout the UNPAs and the pink zones;

8. Invites further the Secretary-General, during the interim period and in consultation with the force-contributing States, to take, in accordance with paragraph 17 of his report, all appropriate measures to strengthen the security of UNPROFOR, in particular by providing it with the necessary defensive means, and to study the possibility of carrying out such local redeployment of military units as is required to ensure their protection;

9. Requests the Secretary-General to submit a report on the further extension of UNPROFOR's mandate, including financial estimates for all UNPROFOR's activities as proposed in his report of 10 February 1993 (S/25264 and Corr.1);

10. Decides to remain actively seized of the matter.



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LETTER DATED 18 FEBRUARY 1993 FROM THE PERMANENT
REPRESENTATIVE OF SWEDEN TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour, on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE), to forward the decision by the CSCE participating States meeting today in Vienna on the proposal for an International War Crimes Tribunal for the Former Yugoslavia by the Rapporteurs under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia.

I would like to refer to the decisions of the third meeting of the Council of Ministers of CSCE, held in Stockholm in December 1992, in particular the determination of the CSCE Foreign Ministers to see to it that those responsible for the massive and systematic violations of human rights and international humanitarian law in the territory of Bosnia and Herzegovina and other parts of the former Yugoslavia are brought to justice.

I would also like to emphasize the importance of rapid progress in this field and the determination of the CSCE participating States to encourage an acceleration in the work of the United Nations.

The CSCE participating States have not yet considered the contents of the proposal of the Rapporteurs. However, they consider it to be an important contribution to the ongoing work within the United Nations.

I enclose a copy of today's decision of the CSCE participating States in Vienna as well as a summary of the proposal and the table of contents and ask you to circulate them as a document of the Security Council.

(Signed) Peter OSVALD
Permanent Representative

Annex I

Decision of 18 February 1993

The representatives of the participating States meeting in Vienna,

Express their thanks to the Rapporteurs under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia for their proposals on making the principle of personal accountability effective,

Request the Chairman-in-Office immediately to make public the report by the Rapporteurs entitled "Proposal for an International War Crimes Tribunal for the Former Yugoslavia,

Request the Chairman-in-Office to transmit this report to the Secretary-General of the United Nations and to the President of the United Nations Security Council for urgent consideration,

Further request the Chairman-in-Office to continue her consultations on this issue with the United Nations, and

Decide that the CSCE will continue consideration of possible further action.

Annex II

PROPOSAL FOR AN INTERNATIONAL WAR CRIMES TRIBUNAL
FOR THE FORMER YUGOSLAVIA

by

Rapporteurs (Corell - Türk - Thune)
under the CSCE Moscow Human Dimension Mechanism
to Bosnia and Herzegovina
and Croatia

9 February 1993

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Summary

1. On 28 September 1992 the Rapporteurs (Corell-Türk-Thune) under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia were given the mandate inter alia "to investigate reports of atrocities against unarmed civilians in Croatia and Bosnia, and to make recommendations as to the feasibility of attributing responsibility for such acts".
2. The Rapporteurs visited Croatia during the period of 30 September-5 October 1992. On 7 October 1992 they issued a report on this visit. One of the proposals contained in this report was that a Committee of Experts from interested States should be convened as soon as possible in order to prepare a draft treaty establishing an international ad hoc tribunal for certain crimes committed in the former Yugoslavia.
3. In view of the fact that the Rapporteurs had been unable to visit Bosnia and Herzegovina, on 24 November 1992 they offered to make an interim report on that State, analysing the relevant penal law, and to draft a convention establishing an international ad hoc tribunal to deal with war crimes and crimes against humanity committed in the former Yugoslavia. In a decision on 15 December 1992, the CSCE Council welcomed the offer of the Rapporteurs to refine their proposals on making the principle of personal accountability effective, including the possibility of the establishment of an ad hoc tribunal. The CSCE Council foresaw continuing consultations on the matter with the Commission of Experts established pursuant to Security Council resolution 780 (1992).
4. Having studied the question further and after consultations with the United Nations Expert Commission and contacts with, inter alia, representatives of the Rapporteur on the former Yugoslavia under the United Nations Commission on Human Rights, the International Conference on the former Yugoslavia and the Minister for Foreign Affairs of Bosnia and Herzegovina, the Rapporteurs decided to draw up the present report in spite of the fact that they were not able to visit Bosnia and Herzegovina.
5. The main part of the report consists of a proposal for an International War Crimes Tribunal for the former Yugoslavia. The purpose of this Tribunal is to try individuals accused of war crimes and crimes against humanity as defined in international law and the domestic criminal law provisions of the former Yugoslavia and determined in scope by the proposed Convention.
6. The law to be applied by the Tribunal consists of a number of provisions from the Penal Code of the Former Socialist Federative Republic of Yugoslavia. This law is still in force in the territory of the former Yugoslavia, either directly, or, as in the case of Bosnia and Herzegovina and Croatia, through reference with or without modifications. In accordance with the proposal, the Tribunal will have jurisdiction over war crimes and crimes

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against humanity, as specified in the Convention, committed in the territory of the former Yugoslavia as from 1 January 1991.

7. The main features of the Tribunal are as follows.

8. The Tribunal consists of five bodies: the Court, the Procuracy, the secretariat, the Board on Clemency and the Standing Committee.

9. The responsibility for the administration of the Tribunal rests with the Standing Committee, which consists of representatives of States parties to the Convention. The Court has two instances to meet current obligations under international law concerning the right of appeal. The task of the first instance is to adjudicate cases in Chambers composed of three judges. The Court of Appeal shall adjudicate cases appealed from the first instance and shall sit in Chambers composed of five judges. The task of the Plenary Court is to decide mainly on administrative matters.

10. The Procuracy is independent in relation to the Court. It is obliged to indict the accused, if the findings in the criminal inquiry indicate that the case is reasonably founded in fact and law. The task of the secretariat is to serve the Tribunal with a particular responsibility for the Court.

11. The jurisdiction of the Tribunal is exclusive and compulsory in relation to States parties to the Convention in the territory of the former Yugoslavia. However, the draft Convention provides for the transfer of jurisdiction back to those States when they have the appropriate means to adjudicate effectively and fairly cases falling under the jurisdiction of the Tribunal.

12. The Court is competent to impose deprivation of liberty and fines. It may not pass sentence of capital punishment. Sentences are to be served in the territory of the former Yugoslavia under international supervision.

13. The draft Convention provides that victims can participate in the criminal proceedings. There is also a limited possibility for victims to claim restitution of property and compensation.

14. The text of the draft Convention should be supplemented by rules of the Tribunal, to be drawn up by the Plenary Court. These rules will, inter alia, provide for legal aid and defence counsel.

15. The costs of the Tribunal are to be distributed among the States parties to the Convention. However, the costs for the enforcement of judgements will rest with the State responsible for execution.

16. The report does not take a stand on the question in which forum the Convention should be negotiated. However, the draft is designed in order to facilitate action by the CSCE participating States or some of these States within the framework of the CSCE or any other appropriate framework.

17. The main conclusions of the Rapporteurs are:

(a) In view of the urgency of the situation in certain areas of the territory of the former Yugoslavia the adjudication of cases concerning war crimes and crimes against humanity should be dealt with by an ad hoc Tribunal (sect. 8.1);

(b) The Rapporteurs advise strongly against waiting for the work done on the project for the elaboration of a draft statute for an international criminal court entrusted to the International Law Commission (sect. 8.1);

(c) National law, interpreted in the light of the international commitments which underlie this legislation, forms a sufficient bases for adjudication (sect. 8.2);

(d) A general and well-structured method of information collection with a view to assisting prosecutors must be implemented as soon as possible (sect. 8.3);

(e) The costs for a Tribunal of the kind foreseen by the Rapporteurs will be marginal in comparison to the amounts spent on various other efforts necessary for the restoration of peace in the area (sect. 8.10);

(f) It is not only desirable but also feasible from a legal point of view to establish an international war crimes Tribunal for the former Yugoslavia. In view of this conclusion, the establishment of such a Tribunal is primarily a question of political will (sect. 10).



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GENERAL ASSEMBLY
Forty-seventh session
Agenda item 35
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-eighth year

Letter dated 18 February 1993 from the Permanent
Representative of Lebanon to the United Nations
addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you of a series of aggressive acts perpetrated by Israel in southern Lebanon and in the western Bekaa on 17 February 1993.

At dawn, Israeli artillery units stationed at Tallat al-Ahmadiyah, Tumat Niha and Marj Uyun began to shell the villages of Mashgharah and Ayn at-Tinah. The artillery fire hit dozens of dwellings and killed dozens of head of livestock.

Supported by field artillery units, armoured units and helicopter units that used incendiary bombs and Milan rockets, the Israeli forces launched a series of lethal attacks against dozens of villages situated in the regions of Nabatiyah and Iqlim al-Tuffah. The shelling resulted in dead and wounded and caused considerable material damage.

The town of Nabatiyah was subjected to heavy shelling that killed two civilians and wounded forty others.

During the entire day of 17 February, Lebanese army posts situated at Kafr Hawra, Jarjus and Kafr Tibnit were the target of sporadic Israeli shelling.

While condemning and denouncing this large-scale aggression that resulted in many dead and wounded among the Lebanese civilian population and caused considerable material damage, the Lebanese Government urges the members of the Council, and in particular its five permanent members, to adopt, in the light of the policy that Israel is conducting against Lebanon and its inhabitants, a

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firm attitude that could halt Israel's bloody acts of aggression and end its occupation of southern Lebanon in accordance with Council resolution 425 (1978).

Such a step would enable the Security Council to maintain its credibility and continue its role in the area of international peace-keeping and security, strengthen and promote the arduous peace process that is currently under way and thereby contribute to the establishment of a just, comprehensive and lasting peace in the region.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Khalil MAKKAWI
Ambassador
Permanent Representative



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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 30, 35, 73 and 74
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
UNITED NATIONS RELIEF AND WORKS
AGENCY FOR PALESTINE REFUGEES
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INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-eighth year

Letter dated 18 February 1993 from the Permanent Observer
of Palestine to the United Nations addressed to the
Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your attention.

The Israeli authorities continue to exercise their policies of extreme repression against the Palestinian people living in the occupied Palestinian territory, including Jerusalem. During the past 24 hours, four Palestinian youths in Gaza and the West Bank were killed by the Israeli army. The youths killed were Khalid Mustafa Abu Alkomsan, age 25, from Gaza; Ghassan Abdel Hadi Barghouti, age 14, from Rammallah; Salim Abdellatif Al-Jazzar, age 18, from Askar refugee camp, Nablus; and Jaafar Mohammad Salim Ashrawi, age 17, from Tulkarem.

We reiterate our position that the Security Council, in fulfilment of its responsibilities under the Charter of the United Nations, must undertake prompt action to bring a halt to such unrelenting repression against the Palestinian people living under Israel's occupation and to provide protection for them, in accordance with Council resolution 681 (1990).

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I would be grateful if you would arrange to have the text of this letter distributed as an official document of the General Assembly, under items 30, 35, 73 and 74, and of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations



General Assembly Security Council

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GENERAL ASSEMBLY
Forty-eighth session
Item 115 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS
SITUATIONS AND REPORTS OF SPECIAL
RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 18 February 1993 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith the statement of the Federal Ministry for Foreign Affairs of the Federal Republic of Yugoslavia concerning the resolution to be adopted by the United Nations Commission on Human Rights (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under the item entitled "Human rights questions: human rights situations and reports of special rapporteurs and representatives", and of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

* A/48/50.

ANNEX

Statement of the Federal Ministry for Foreign Affairs of the
Federal Republic of Yugoslavia concerning the resolution to
be adopted by the United Nations Commission on Human Rights

The current session of the United Nations Commission on Human Rights also has on its agenda an item on the violation of human rights in the territory of the former Yugoslavia, in particular in Bosnia and Herzegovina. The proposed draft resolution is a continuation of a one-sided and impartial campaign being conducted in this body against the Federal Republic of Yugoslavia and the Serbian people as a whole. The text of the resolution, as proposed for adoption by the Commission, is full of political connotations and allegations whose possible implications, political and other, could be extremely harmful for the peace process going on at the Geneva Conference and of late within the Security Council as well.

Over a longer period, charges have been systematically levelled against the Federal Republic of Yugoslavia, and the entire Serbian people has been libelled in an unprecedented campaign. The Federal Republic of Yugoslavia is not being paid tribute for the earnest efforts it is making within the framework of the International Conference on the Former Yugoslavia to promote an early peaceful and just settlement of the crisis in Bosnia and Herzegovina, which is in the vital interest of all, including the Serb community in Bosnia and Herzegovina. Rather than being commended for a number of steps the Government of the Federal Republic of Yugoslavia has undertaken in this context, the Federal Republic of Yugoslavia is indicated as being solely responsible for the situation in these areas. The allegations regarding the status of minorities in the Federal Republic of Yugoslavia are far from being true. On the contrary, they deliberately distort facts in order to cause political instability in Yugoslavia.

Under its Constitution, Yugoslavia is a State composed of all citizens living within its borders and where other ethnic groups (Hungarians, Albanians and Muslims) accounting for about 30 per cent of the population have equal rights as Serb citizens. Many of the co-sponsors of the Human Rights Commission resolution, including the former Yugoslav republics, cannot pride themselves on such a constitution. Furthermore, the systematic, frantic and shameful campaign mounted in the world media has been unseen so far; its only aim is to lay the groundwork for an international action against Yugoslavia of which the current action in the Human Rights Commission is but a part.

The Federal Republic of Yugoslavia considers that such an approach by the Commission on Human Rights does not contribute to the promotion either of respect for human rights, which is its principal task, or of the fundamental human standards laid down in the International Convention on the Elimination of All Forms of Racial Discrimination and the Charter of the United Nations, but rather compromises them. Using the Commission to achieve political ends

is a degradation not only of the Commission but of its role in the preservation and observance of human rights throughout the world. Moreover, the adoption of this resolution and the whole political game around it are in themselves a classic example of violation of the fundamental human right of the Serbian people to exist and not to be discriminated against. To express a collective censure of an entire nation means to set a dangerous precedent for the future work and direction of the Commission.



General Assembly Security Council

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GENERALA/47/893 —
S/25311
19 February 1993

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GENERAL ASSEMBLY
Forty-seventh session
Agenda item 30
QUESTION OF PALESTINESECURITY COUNCIL
Forty-eighth year

Letter dated 18 February 1993 from the Chairman of the
Committee on the Exercise of the Inalienable Rights of
the Palestinian People to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your urgent attention to the current escalation of repression and use of collective punishment by the Israeli authorities against the Palestinian people in the occupied Palestinian territory.

The situation in the Gaza Strip, in particular, is a matter of greatest concern owing to the increasing resort to warfare tactics by Israel, the occupying Power. According to a press release by The Gaza Center for Rights and Law of 13 February 1993, and The Washington Post of 16 February 1993, a force of over 200 Israeli soldiers carried out a 13-hour military operation in the al-Arish quarter of Khan Yunis, Gaza, on 11 February 1993, in search of fugitives and weapons. Large-calibre machine-guns, anti-tank missiles, dynamite and 40 mm shells were reportedly used in the attack, which destroyed 10 houses and heavily damaged 9 others. Almost 200 Palestinians were affected, and 18 families were rendered homeless. It should be pointed out that the homes were attacked after being searched, showing that the destruction did not serve any military purpose. While this is reported to be the largest attack of its type to date, there has been a dramatic escalation of military assaults in recent months, resulting in severe damage to the homes of 62 families since July 1992.

Recent information collected by human rights organizations also shows growing reliance on excessive force by Israeli troops against Palestinians, resulting in a rapid increase in fatalities in the past six months. According to an analysis conducted by B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, the overall number of Palestinians killed by Israeli forces rose from 63 to 76 between August 1992 and January 1993, a

rise of more than 20 per cent over the previous six months. Two thirds of the killings were reported to have occurred in non-life-threatening situations, as opposed to one half during the previous period; and fatalities among children were reported to have almost tripled, from 6 to 17. According to Middle East International of 5 February 1993, many of the children were either shot in the back or were the victims of carelessness by the army in situations which could have been handled by non-lethal means. In a recent incident, reported by The Christian Science Monitor of 10 February 1993, nine Palestinians were killed by Israeli troops in four days, the most violent days in more than two years.

The Palestine Human Rights Information Center, based in Jerusalem, in a press release dated 22 January 1993, reported that at least 60 fatal shootings in 1992 were carried out by Israeli undercover soldiers and should be classified as extrajudicial killings. According to eyewitness accounts, these killings typically take place without warning; victims are denied the opportunity to surrender; victims are shot even when unarmed or with hands in a position of surrender; victims are shot or beaten until dead even though they have been captured or wounded.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like once again to express alarm at the increasing repressive measures by Israel, the occupying Power, in violation of its obligations under the Fourth Geneva Convention of 1949 and numerous Security Council resolutions. The Committee urgently appeals to the Security Council to take the necessary measures to provide appropriate protection to the Palestinian people in the occupied Palestinian territory, including Jerusalem, in accordance with the provisions of the Convention and Security Council resolutions, particularly resolution 681 (1990), until a permanent, durable and just solution is found to the question of Palestine based on relevant United Nations resolutions.

The Committee also notes with great concern that the situation of the nearly 400 Palestinian deportees remains unresolved and that they continue to suffer harsh conditions in southern Lebanon. The Committee calls once again for the full and immediate implementation of Security Council resolution 799 (1992). This would help to ensure the continuation of the peace process, preserve the prestige and credibility of the Security Council, and guarantee respect for international law and agreements by all, without exception.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(Signed) Kéba Birane CISSE
Chairman of the
Committee on the Exercise
of the Inalienable Rights
of the Palestinian People



Security Council

Distr.
GENERAL

S/25312
19 February 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 18 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE
OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government and in accordance with paragraph 18 of Security Council resolution 794 (1992), I have the honour to inform you that Kuwait has been participating since the beginning, within the framework of the operation of maintaining peace and security and bringing humanitarian assistance to the Somali people, with a mechanized infantry company comprising 120 men. The 449 pieces of equipment at their disposal include troop-carriers, armoured vehicles and assorted weapons. The company has been in the capital, Mogadishu, for more than two months. It is trying to create a secure environment for humanitarian relief in Somalia and assuming extensive responsibility for logistical support needs and requirements.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Ambassador
Permanent Representative



Security Council

Distr.
GENERAL

S/25313
19 February 1993

ORIGINAL: ENGLISH

LETTER DATED 28 JANUARY 1993* FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith dated 28 January 1993 the letter from His Excellency, Mr. Ilija Djukić, Foreign Minister of the Federal Republic of Yugoslavia, addressed to you, concerning extremely dangerous developments in the wake of the continued aggression by Croatia in the area of the "Peruca" power station under United Nations protection.

I should be grateful if you would circulate the present letter and its annex as documents of the Security Council.

I would request you to inform other members of the Security Council immediately of the contents of this letter.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.

* Received by the Secretariat on 18 February 1993.

Annex

I have to inform you as a matter of urgency of the extremely dangerous developments resulting from the continued aggression of Croatia in the area of the "Peruca" power station, which is under United Nations protection.

In defiance of United Nations Security Council resolution 802 (1993), the armed forces of Croatia carried out an armed attack today, 28 January 1993, at 10.15 a.m. local time, against the United Nations Protection Force and the Serbian police forces near the Peruca dam.

The armed forces of Croatia taking part in the attack consist of two battalions, a special demolition unit, as well as heavy weapons used in the attack. Their goal is to destroy the Peruca dam and cause an ecological disaster. This is being done with the intention to attribute to the Serb side the responsibility for the destruction of the dam and the consequences of this senseless act. Prior to the commencement of this attack, the Croatian side evacuated all the Croatian population from the Peruca dam area, which points out unequivocally to the goal of these armed activities.

All these data have been verified and corroborated by witnesses captured during the said armed operation, and confirmed by the commander of the special demolition unit of the Croatian army whose task it was to destroy the dam.

This latest armed attack is not only a continuation of the aggression by Croatia on the United Nations protected areas but is also in direct contravention of Security Council resolution 802 (1993). This action is a threat to peace and security in the region and threatens to provoke conflicts of wider proportion not only in the United Nations protected areas but also in the territory of Bosnia and Herzegovina.

The continued aggression requires the most urgent action by the Security Council to stop the aggression, restore the status quo ante and punish the aggressor.

I avail myself of this opportunity to express my highest appreciation for the responsible duties entrusted to you as President of the Security Council, in whom we have full confidence, and which are of decisive importance for the establishment of peace in the territory of the former Socialist Federal Republic of Yugoslavia.

(Signed) Ilija DJUKIĆ



Security Council

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GENERAL

S/25314
19 February 1993
ENGLISH
ORIGINAL: FRENCH

Draft resolution

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

Recalling also its resolution 771 (1992) of 13 August 1992, in which, inter alia, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,

Recalling further its resolution 780 (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission of Experts may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

Having considered the interim report of the Commission of Experts established by resolution 780 (1992) (S/25274), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuance of the practice of "ethnic cleansing",

Determining that this situation constitutes a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal (S/25221),

Noting also with grave concern the "report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia" (S/25240, annex I),

Noting further the report of the committee of jurists submitted by France (S/25266), the report of the commission of jurists submitted by Italy (S/25300), and the report transmitted by the Permanent Representative of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) (S/25307),

1. Decides that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than 60 days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

3. Decides to remain actively seized of the matter.



Security Council

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GENERAL

S/25315
19 February 1993
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 19 FEBRUARY 1993 FROM THE PRESIDENT OF THE
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that the members of the Security Council have considered your report of 22 December 1992 on the situation in South Africa (S/25004). The members of the Council are most grateful for the comprehensive and helpful account of events in South Africa contained in that report. They note that the presence of international observers has had a salutary effect on the political situation there. They welcome your decision to reinforce the United Nations Observer Mission in South Africa with an increment of ten additional observers.

The members of the Council have asked me to take this opportunity to express their appreciation to you and, through you, to your two Special Envoys, the Chief of the United Nations Observer Mission in South Africa and the members of her team, for the excellent work being done by the United Nations in South Africa. They look forward to receiving further reports from you on the situation in South Africa and the work of the United Nations there.

(Signed) Ahmed SNOUSSI
President of the Security Council



Security Council

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GENERAL

S/25316
22 February 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 17 FEBRUARY 1993 FROM THE PERMANENT
MISSION OF BOTSWANA TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

The Permanent Mission of Botswana to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the Secretary-General's notes of 26 October 1992 and 16 December 1992 by which the attention of this Mission was drawn to the provisions of paragraphs 1 to 4 of Security Council resolution 778 (1992).

Botswana has conducted all investigations and conclusively found that there are no funds of the Government of Iraq, or its State bodies, corporations or agencies within its jurisdiction.

The Mission requests that the present note be circulated as a document of the Security Council.



Security Council

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S/25317
22 February 1993

ORIGINAL: ENGLISH

LETTER DATED 19 FEBRUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, a letter from
His Excellency Mr. Dobrica Ćosić, President of the Federal Republic of
Yugoslavia, addressed to you.

I should be grateful if you would have this letter and its annex
circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

Belgrade, 19 February 1993

I should like to inform you that the Croatian forces carried out another armed provocation on the border with the Republic of Montenegro, which constitutes a severe violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. From their strongholds in the region of the villages of Dubravka, Česmina Glava, Pelimovo Brdo, Crna Ljut, the Croats opened mortar fire at 1230 hours, tank fire at 1315, and anti-aircraft machine-gun fire on the positions of the Army of Yugoslavia and civilian facilities in the region of the village of Stinica at 1505 hours. Despite all the interventions and calls for a cease-fire, the attack continues.

These are continued and brutal provocations that are part of a general "effort" of the Croatian side to provoke a conflict, drag the Federal Republic of Yugoslavia into war, and in that way relieve itself of the responsibility for its aggressive behaviour, especially for the aggression on the Republic of Serbian Krajina as a United Nations protected area. Mr. Ilija Djukić, Minister for Foreign affairs of the Federal Republic of Yugoslavia, informed the Security Council in writing of similiar provocations that occurred on 23, 24, 25 and 28 January.

I avail myself of this opportunity to reaffirm to you, Mr. President, our firm commitment to settle all the conflicts in the territory of the former Yugoslavia in a peaceful way in the framework of the negotiations under the auspices of the world Organization. That is why the Federal Republic of Yugoslavia this time again refrained from an adequate response, convinced that the Security Council will take urgent measures in order to prevent the escalation of another war, which is evidently what the Croatian side would like to achieve.

I have confidence in the authority of the world Organization and the Security Council, and therefore expect an immediate and efficient action on their part.

(Signed) Dobrica ĆOSIĆ
President



Security Council

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S/25318
22 February 1993

ORIGINAL: ENGLISH

LETTER DATED 19 FEBRUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith updated information on the illegal arms shipments to Slovenia, Croatia and the Muslim forces in Bosnia and Herzegovina in violation of the mandatory arms embargo imposed by the Security Council (see annex I).

The compiled data cover the period after 3 November 1992, when the Government of the Federal Republic of Yugoslavia submitted the memorandum on the violations of United Nations Security Council resolutions 713 (1991) and 724 (1991) implementing a general and complete embargo on all deliveries of weapons and military equipment to the entire territory of the former Yugoslavia.

I am also enclosing information concerning the use, recruitment and training of foreign mercenaries by Croatian and Muslim forces in the civil war in Bosnia and Herzegovina and on the involvement of the authorities in Croatia in those activities (see annex II).

Consequently, we feel strongly that the submitted information merits the most urgent attention of the members of the Security Council.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.

Annex I

Illegal arms shipments to Slovenia, Croatia and the Muslim
forces in Bosnia and Herzegovina in violation of arms
embargo imposed by the Security Council

Hungarian arms dealers delivered through private channels considerable quantities of RPG anti-personnel and anti-tank missiles, Kalashnikovs and various other artillery rockets to Croatia and Slovenia and through them to Bosnia as well.

In early 1992, Croatia imported 100 surface-to-air anti-aircraft missiles and 500 Mamba anti-tank rockets from Chile. The delivery was estimated at US\$ 2 billion.

By early January 1992, Croatia got 3 Mig aircraft from Germany.

In April of 1992, Croatia received 60-T tanks from Germany (the arsenal remaining from the army of the former German Democratic Republic).

Again in April of 1992, Croatia imported larger quantities of weapons, namely AA Stinger missiles, Ambrust AT missiles and RPG-7 AP missiles.

In July 1992, Croatia received 10 Mig 21 and 2 Saab aircraft from Austria.

The Hungarian supplier was asked to provide 20 Soviet-made helicopters (transport and combat type) to be delivered by the end of September 1992. An additional 80 helicopters were planned to be bought later on.

Croatia bought a larger number of "Albatross" light aircraft, designed and equipped for tactical reconnaissance missions, from the French firm Avia Sud.

On 25 January 1993, 30 trucks came to the Zagreb fair storage area from Germany. Their cargo was loaded onto trucks of the Office of the United Nations High Commissioner for Refugees (UNHCR) and dispatched to Bosnia. Among other equipment it was established that four trucks contained ammunition and missiles.

In the middle of January 1993, the German customs confiscated 63 Leopard tanks which reportedly should have been delivered to Croatia through clandestine channels.

On 18 January 1993, the Italian vessels enforcing the arms embargo intercepted the ship Delphine 1 which sailed under the flag of Saint Vincent and the Grenadines. The captain of the vessel was a Turkish national, along with his crew. The ship was bound from Karachi and made a stop-over in the port of Istanbul. The Italian authorities inspected the cargo and found its 45 containers transporting AT and Howitzer shells. The port of destination was Split.

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Annex II

Use, recruitment and training of foreign mercenaries by Croatian and Muslim forces in the civil war in Bosnia and Herzegovina and the involvement of the authorities in Croatia

During the month of July 1992, 50 Palestinians were sent from Saarbrücken (Germany) via Zagreb to Bosnia and Herzegovina to fight on the side of "green berets" there.

During the course of July 1992, 7,000 armed Muslims and Croats were sent to Gradačac from Zagreb in order to fight the local Serbs.

In September 1992, a group of Muslims in Czechoslovakia dispatched a larger number of Muslim volunteers via Karlovac in Croatia to the area of Cazin Krajina in Bosnia and Herzegovina.

During the course of the same month in 1992, about 1,500 Albanians of Macedonia were trained at the Maksimir training camp in Zagreb. A group consisting of 300 armed Albanians was infiltrated in the wider area of Zvornik in Bosnia and Herzegovina from Zagreb in order to carry out a joint operation with Muslim forces aimed at cutting the Zvornik-Pale communication link.

Again in September of 1992, a training centre for mujahidin, Kurds of Afghanistan and the Islamic Republic of Iran and from other Islamic States was established on the outskirts of Munich (Germany). Some 1,000 of these trainees were subsequently included in the green beret units in Bosnia and Herzegovina through Zagreb.

On 9 September 1992, in the day, 200 Muslim mercenaries were infiltrated into Cazin Krajina from Croatia. A number of these mercenaries were recruited in Austria and Germany.

During the month of October 1992, French Nazis Michael Faci and Nicholas Peucelle set up a volunteer operations group in Bosnia and Herzegovina known as "Zak Dorjo". Members of this group belonged to the far right. A photograph of Faci wearing an SS uniform with a citation of the Croatian Government was published in the newspaper L'évenement du jeudi.

On 2 October 1992, a group of 30 foreign mercenaries travelled from Zagreb to Doboј to join the green beret units of Bosnia and Herzegovina.

On 3 October 1992, 800 Muslims were rounded up in a police raid in Rijeka and sent into Bosnia to join the "green berets".

During the course of October 1992, about 800 mujahidin came to Zenica through Zagreb.

On 19 November 1992, 320 Hezbollah members and officers arrived in Bosnia via Zagreb at their own request in order to fight for the Muslim side.

During the month of November 1992, approximately 3,500 mujahidin, who came from Zagreb to fight among the "green berets", were deployed in the area of Bugojno.

On 24 November 1992, a mujahidin platoon participated in the battle against the Serbs along the Domljenovac-Grebenica line as part of the 102nd HVO (Croatian Defence Council) brigade. They came to this area from Zagreb.

In late November 1992, a military delegation from the Islamic Republic of Iran came to visit Alija Izetbegovic, leader of Bosnia and Herzegovina, via Zagreb. This delegation used that opportunity to visit the units of their mercenaries deployed in the areas of Igman, Pazarić and Hrasnica.

In early December 1992, 50 Sudanese mercenaries were transported on board an aircraft from Zagreb to Cazin Krajina.

Last December an international brigade was dispatched from Zagreb to the areas of Livno and Duvno in Bosnia and Herzegovina. This international brigade comprised mercenaries from Poland, Spain, France and Germany and from Islamic countries.

During the course of last December, a group of mujahidin was sent from Zagreb to Cazin Krajina. Among them there were also six Sudanese in the capacity of instructors to the "green berets".

Again in December 1992 and January 1993, military experts visited the HVO training centre in Tomislavgrad (Duvno). Retired United States Colonel Robert Brown, formerly with special United States forces, was among them.

In the course of January of this year, nearly 100 mercenaries coming from abroad (United States, Finland, Sweden and Denmark) were sent into 17th Muslim brigade stationed in Travnik, through Zagreb.

On 18 January 1993, a group of 285 Muslim mercenaries flew into Zagreb from Berlin and subsequently to Bosnia and Herzegovina in order to join the "green berets".

The French Embassy has formally requested the body of a mercenary François who died fighting for the 108th HVO brigade on 1 February 1993.

In early February of this year, Croatia publicly accused Muslims of bringing 13,000 mujahidin in Zenica through Croatia and that they were the cause of the conflict which broke out between the Croatian and Muslim forces in the area.

Again in early February 1993, 20 United Kingdom citizens came to Zagreb as mercenaries wanting to join up with Muslim forces.

/...

A group of mujahidin fanatics from Saudi Arabia led by a certain Abu Isa El Meki has committed especially brutal crimes and barbarities against the Serb population in the territory of Bosnia and Herzegovina. This group has about 43 members and was deployed to Bosnia directly from Mecca through Zagreb.



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A/48/89
S/25319
22 February 1993
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-eighth session
Item 79 of the preliminary list*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-eighth year

Letter dated 18 February 1993 from the Permanent
Representative of Denmark to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith the text, in English and French, of a statement on the situation in Rwanda issued by the European Community and its member States on 15 February 1993 (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under item 79 of the preliminary list, and of the Security Council.

(Signed) Bent HAAKONSEN
Ambassador
Permanent Representative
of Denmark
to the United Nations

* A/48/50.

ANNEX

Statement on Rwanda issued by the European Community and
its member States on 21 January 1993

The Community and its member States recall their statement of 21 January 1993, in which they welcomed the progress achieved in the peace process initiated in Arusha.

They condemn the flagrant violation of the cease-fire by the Rwandese Patriotic Front, which is prejudicial to the search for a negotiated solution - the only means of ensuring lasting peace.

The Community and its member States appeal urgently to all political forces to assume their responsibilities in order to avoid an even more catastrophic situation for displaced persons, now numbering hundreds of thousands.

They also condemn all types of violence, including the acts of violence committed by political militants, which have caused hundreds of deaths and heightened political tension.

The Community and its member States call upon the parties concerned to resume the process of conciliation without delay.



General Assembly Security Council

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GENERAL

A/47/894
S/25320
22 February 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 143
THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 19 February 1993 from the Permanent Representative
of Bosnia and Herzegovina to the United Nations addressed to
the Secretary-General

I have the honour to present to you the attached letter, dated 19 February 1993, from His Excellency Mr. Mile Akmadzic, Prime Minister of the Republic of Bosnia and Herzegovina, addressed to you (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 143, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

A/47/894
S/25320
English
Page 2

ANNEX

Letter dated 19 February 1993 from the Prime Minister of
Bosnia and Herzegovina to the Secretary-General

Pursuant to your report of 8 February 1993 (S/25248) to the Security Council, where you report under section II on "Meetings with the three Bosnian sides", I wish to make the following comment:

The Bosnian Croat side is also part of the Government of the Republic of Bosnia and Herzegovina. The Bosnian Government cannot be identified solely with Bosnian Muslims.

When considering the issue of internal political settlement of the Republic of Bosnia and Herzegovina, we must recognize three different constituencies: Muslims, Serbs and Croats. These same constituencies are recognized in the Constitution of the Republic of Bosnia and Herzegovina. Therefore, the same constituencies should be recognized as three negotiating parties with respect to the future political arrangement of their country.

It is misleading and unfair to Croats of Bosnia and Herzegovina, that the Bosnian Government side, in your reports, refers exclusively to Bosnian Muslims.

(Signed) Mile AKMADZIC



Security Council

Distr.
GENERAL

S/25321
22 February 1993

ORIGINAL: ENGLISH

LETTER DATED 19 FEBRUARY 1993 FROM THE PERMANENT
REPRESENTATIVE OF MOLDOVA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith the text of a letter addressed to you by Mr. Nicolae Tau, Minister for Foreign Affairs of the Republic of Moldova, dated 18 February 1993 (see annex), concerning the large scale military manoeuvres of the 14th Army of the Russian Federation on the territory of the Republic of Moldova.

I should be extremely grateful if necessary arrangements would be made to circulate as urgently as possible the text of the present letter and its annex as a document of the Security Council.

(Signed) Tudor PANTIRU
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative of the
Republic of Moldova to the
United Nations

Annex

Letter dated 18 February 1993 from the Minister for Foreign
Affairs of Moldova addressed to the Secretary-General

I have the honour to draw your attention to several recent events, which constitute a serious violation of the sovereignty of the Republic of Moldova and destabilize the social-political situation which is already considerably fragile.

In this regard, I inform you that the 14th Army of the Russian Federation started on 15 February 1993, in an arbitrary way, without informing the authorities of the Republic of Moldova, large scale military manoeuvres, not taking into consideration the opposition of the Government of the Republic of Moldova towards such actions, thus violating the resolution "Regarding certain measures of alleviating the situation in the eastern regions in connection with the intervention of a foreign army" adopted by the Parliament of Moldova on 27 May 1992 and Moldo-Russian Convention on the principles of a peaceful settlement of a military conflict in the eastern regions. Unfortunately, all our attempts to tackle this problem on bilateral level have failed.

I consider that such destabilizing actions should receive decisive response of the world community.

In this context, I consider appropriate to introduce in the mandate of the United Nations mission expected to visit Moldova, an item stipulating the participation of United Nations representatives, as observers to the bilateral negotiations regarding the withdrawal of military units of the Russian Federation from the territory of my country, including the monitoring of the withdrawal process itself.

Nicolae TAU
Minister of Foreign Affairs



Security Council

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LETTER DATED 22 FEBRUARY 1993 FROM THE REPRESENTATIVES
OF BULGARIA, ROMANIA AND UKRAINE TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from our Governments, we have the honour to transmit herewith the text of the memorandum issued following the consultations held in Bucharest on 18 February 1993, between the Ministries of Foreign Affairs of Romania, Bulgaria and Ukraine, as riparian States of the Danube river, regarding the implementation of the Security Council sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro).

We would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Ion BARAC
Chargé d'affaires a.i. of
the Permanent Mission of
Romania to the United Nations

(Signed) Slavi PASHOVSKI
Permanent Representative of
Bulgaria to the United Nations

(Signed) Victor BATIOUK
Permanent Representative of
Ukraine to the United Nations

Annex

Memorandum on the consultations between the Ministries of Foreign Affairs of Romania, Bulgaria and Ukraine concerning the implementation on the Danube river of the sanctions imposed by the United Nations Security Council on the Federal Republic of Yugoslavia (Serbia and Montenegro)

On 18 February 1993, consultations were held in Bucharest between the Ministries of Foreign Affairs of Romania, Bulgaria and Ukraine, as riparian States of the Danube river, in connection with the implementation of sanctions established by the Security Council.

The consultations were attended by customs, transport and border guard experts from the three countries and by representatives of the Economic Community/Conference on Security and Cooperation in Europe sanctions assistance missions.

During the meeting, a comprehensive exchange of views on the application of sanctions on the Danube was held. The parties considered that sanctions were an integral part of the international efforts for the peaceful settlement of the crisis in the former Yugoslavia and their strict implementation by all countries would contribute to the speedy solution of the crisis. In that respect, the participants reiterated the determination of their countries to act in accordance with the provisions of Security Council resolutions 757 (1992) and 787 (1992) as well as with the consolidated guidelines for their implementation, adopted by the Committee established pursuant to resolution 724 (1991).

The determination expressed in the statement of the Government of Romania of 27 January 1993 (S/25189), the statement of the Government of Bulgaria of 1 February 1993 (S/25213) and in the statement of the Ministry of Foreign Affairs on behalf of the Government of Ukraine of 29 January 1993 (S/25195) was reaffirmed to further strictly comply with Security Council resolutions 713 (1991), 757 (1992) and 787 (1992). The parties stressed that the competent authorities in their countries would continue to coordinate their actions with a view to applying the sanctions and would take practical measures aiming at improving their collaboration.

The Ministries of Foreign Affairs of the three countries will continue to assist their competent national authorities in the implementation of sanctions on the Danube river and, in their turn, will cooperate among themselves with a view to increasing the efficiency of measures taken. They will also actively cooperate with the sanctions assistance missions. They also welcome the appointment of a Economic Community/Conference on Security and Cooperation in Europe coordinator in this matter. The parties expressed their hope to receive as soon as possible the technical assistance required under paragraph 15 of Security Council resolution 787 (1992), aimed at improving the technical capacity of the competent national institutions involved in monitoring the implementation of sanctions on the Danube river.

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The representative of the three ministries considered also the possibilities to improve the direct collaboration of Romania, Bulgaria and Ukraine within the United Nations in this specific field. It was agreed that Romania, Bulgaria and Ukraine will proceed to joint démarches in requesting more substantial support from the United Nations in connection with the efforts of riparian States that apply the relevant Security Council resolutions. The Permanent Missions of the three countries to the United Nations will jointly act in matters related with the fulfilment of their responsibility, as riparian States in monitoring international navigation on the Danube river.

The parties took note of the reference made in the statement by the President of the Security Council on 10 February 1993 where it is recalled that, under Article 103 of the Charter, the obligations of the Members of the United Nations under the Charter prevail over their obligations under any other international agreement.

The participants emphasized the considerable losses the parties are suffering as a result of the sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro). Reference was made to Article 50 of the Charter and to the report entitled "An agenda for peace" (S/24111) submitted by the Secretary-General to the forty-seventh session of the United Nations General Assembly. In this respect, the parties expressed their willingness to act by addressing the matter in the Security Council, in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as well as in other competent United Nations bodies with a view to finding the best ways to solve their problems and to alleviate the serious economic difficulties caused by compliance with Security Council resolutions 757 (1992) and 787 (1992). The participants considered to undertake some practical steps to this effect.

The representatives of the three Ministries of Foreign Affairs expressed the readiness of their countries to continue consultations and cooperation between their competent institutions in the implementation of the sanctions on the Danube river.

The three parties agreed to make public and to submit the present memorandum to the United Nations Security Council.
